
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

ANTHONY L. BARRY, JR.,

Plaintiff,

v.

AMERIGAS,

Defendant.

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NO. 1:20-CV-379-MAC

MEMORANDUM ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Before the court is a report and recommendation of the United States magistrate judge regarding the Plaintiff's failure to comply with the court's order and delay of service of process. In this case, Plaintiff has not shown that good cause exists excusing his failure to return a properly prepared summons as ordered.

Plaintiff, proceeding *pro se*, filed his complaint on September 14, 2020 (# 1). On January 4, 2021, the court granted Plaintiff's motion for leave to proceed *in forma pauperis* (# 2) and issued instructions governing the preparation of summons and service of process (# 3). On January 20, 2021, Plaintiff acknowledged receipt of the order on the motion to proceed *in forma pauperis* (# 4). On May 4, 2021, the Clerk reissued a copy of the court's order (# 3) and blank summons at Plaintiff's request. To date, the Plaintiff still has not provided a properly prepared summons as ordered for the Marshals to serve process. It is therefore

ORDERED that the report and recommendation of the United States magistrate judge that Plaintiff's complaint be dismissed, *sua sponte*, without prejudice is **ADOPTED**.

SIGNED at Beaumont, Texas, this 17th day of September, 2021.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE